

families can plan. Whatever we do with these tax policies, as much as possible, we need to do them in a permanent way. This business of going 1 year at a time or 2 years at a time on the estate tax—if someone's family has a taxable estate event this year, it is not a big deal; if they have it in January, it is devastating. We don't need to continue to have that.

This shouldn't be a partisan issue. It is about protecting families and the things they have put together, often working side by side as a family. We need to work across the aisle on this issue and other issues.

#### RULES CHANGES

One of the issues that right now is making that harder than it needs to be is this discussion of the rules changes. Some people want to change the historic role of the Senate which is designed to foster compromise and debate as we had this week on the Defense bill, or like we had as the Russian trade bill came to the floor.

Instead of reaching across the aisle, this kind of discussion about a rules change is an attempt to build a wall.

Now, every time this discussion happens, the minority always appears to say the same thing.

Senator REID, the majority leader, pledged, in December 2006, "to run the Senate with respect for the rules and for the minority rights the rules protect" when he became the leader.

He said:

The Senate was established to make sure that minorities are protected . . . and I am going to do everything I can to preserve the traditions and rules of this institution that I love.

In 2005, then-Senator Obama said:

If the majority chooses to end the filibuster . . . then the fighting and bitterness and the gridlock will only get worse.

In that same year, 2005, Senator SCHUMER said breaking the rules would "change the whole balance of power and checks and balances in this great Senate and great country."

And Senator DURBIN warned in 2005 that what was then called the nuclear option would "really destroy our system of checks and balances."

Everyone will rush and say: Well, the Republicans talked about doing this then. That is why these people were making these comments. But the point is, the Republicans did not do it. The Republicans did talk about it in the majority, and they listened to the minority. They listened to the arguments about the Constitution, and they did not do it. What you talk about may be important, but what you do is really important.

Hopefully, Democrats will look at this again and decide they do not want to do it. The Senate rules say it takes 67 Senators to change the rules. I believe that is what the Parliamentarian will rule in the next Senate if this comes up. Then, if you are going to do it with less than that, you have to immediately vote to overrule the Parliamentarian and break the rules to change the rules.

It does not sound like, to me, that is the way to solve problems or to work

together, particularly in a Congress where the Senate is controlled by one party and the House is controlled by the other. What good does it do to force things through our system that cannot possibly get to the President's desk?

The Senate operates differently from the House of Representatives for a reason. I was in the House. I liked the House. The House is run by the majority. That is the way the Constitution intended it. They have 2-year terms, and every year after the election, it was envisioned that the House of Representatives would be more responsive to what voters thought they wanted to do that day. But it was also envisioned that the Senate would serve as the reason you had to think for a while about this. It would not just be one election, but usually in the Senate it takes a couple of elections where people have verified: No, we want to change course. And changing course in a country as great and as big and as diverse as ours is a big decision. The Constitution works that way for a reason.

This is a hornet's nest that I do not think we need to kick over. Our Nation's Founders knew what they were doing. Let's let the House be the House and the Senate be the Senate. Let's continue to have a reason for two different legislative bodies. If all we are having is a House that works like the House and a Senate that works like the House, we have significantly minimized the great genius of the Constitution.

Allowing the minority party to exercise its rights to debate and amend legislation should be the rule, not the exception. I hope the Senate, which is led by Democrats today, and will be next year, will stop this debate and start figuring out what we can do together to solve problems, just like we have done this week with the Defense bill and the trade bill; just like we have done in this Congress with, as I said to start, with FAA and Transportation and postal reform and the farm bill—all of which came out of committee, were open to wide-ranging amendments, had a bipartisan vote, and reached the kind of legislative conclusion that the Constitution envisioned and the people we work for have every right to expect.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COLLEGE PRICING TRENDS

Mr. DURBIN. Madam President, the College Board recently released its annual report on trends in college pricing. What the report found was more students in debt with higher amounts of debt than ever before.

The biggest offenders? No surprise, for-profit colleges. Study after study continues to show that for-profit col-

lege students fare far worse than their peers who graduate from public or private nonprofit colleges.

For-profit college students have more debt and oftentimes they graduate with worthless degrees and no way to even repay their debt.

The College Board report found that for-profit institutions accounted for 12 percent of all students enrolled in 2008–2009, 28 percent of those who entered repayment of their loans in fiscal year 2009, and 47 percent of those who defaulted on their loans by the end of September 2011. Madam President, 12 percent of students; 47 percent of the defaults—for-profit schools.

Why? They charge too much. The kids get too deeply in debt. The diplomas are worthless or the kids drop out of school because they cannot afford to finish.

Another report recently released by the Institute for Colleges Access and Success found that for-profit college students take out more private student loan debt than their peers.

Private student loans are tough. They are burdensome. They do not come with any of the consumer protections that Federal student loans come with, such as flexible repayment plans or loan forgiveness for public service. Private loans are most prevalent at for-profit colleges—there is money to be made on these kids—where 64 percent of graduating students at the for-profit schools have private loan debt.

One constituent recently contacted my office about his experience at a for-profit college. He attended the International Academy of Design and Technology, a for-profit college in Chicago owned by the Career Education Corporation, one of the major league for-profit colleges.

His parents did not have the means to pay for his education but helped him out by cosigning his loans. Now the student and the parents have \$103,000 in student loan debt. One of the loans has a 13-percent interest rate and his balance continues to rise.

This young man—young man—would like to finish his degree, but he cannot afford to. He cannot borrow any more money. He is too deeply in debt. How about that for a dilemma? Madam President, \$103,000 in debt, no degree, he cannot borrow the money to get a degree.

Many of these students find out these for-profit courses they took are worthless. They do not transfer anywhere. The diplomas themselves turn out to be worthless, and many employers just laugh at them. You would never know that from the advertising these for-profit schools engage in.

I had a group of students in my office this morning. They are from Archbishop John Carroll High School—not too far from the Capitol. They are students who know a little bit about being wooed and enticed by colleges and universities. We talked about this. They

are just being inundated by these schools trying to sign them up.

These young people are 18, 19, 20 years old. How are they supposed to know that this so-called college is a joke, that it is a sucker school that basically will drag them in, heap debt on them, and then toss them? They all remembered an ad that I remember from television in town that I thought was the worst.

For-profit colleges put out an ad that had a pretty young girl. She looked like she was 19 or 20 years old, and there she was lounging in her bedroom saying: You know, you can go to college in your pajamas. They try to get them in this mindset that this is just a click away, a degree is just a click away—as long as you sign up for the debt.

I think these students are starting to catch on to the fact that they are being enticed into impossible situations.

The Federal Reserve Bank of New York's Quarterly Report on Household Debt and Credit revealed that total consumer debt fell again in the third quarter. Sounds like good news—but not for student loans. All other types of consumer debt besides student loans has been decreasing; that is, mortgages, auto loans, even credit card debt. Meanwhile, student loan debt has been growing every quarter for the last 10 years.

The Federal Reserve Bank of New York calculates that 11 percent of student loans are now at least 3 months delinquent. And it is not just the young people. It is their parents, their brothers and sisters, even their grandparents who are trying to show a little kindness, be helpful, who cosigned for these deadly private student loans at these for-profit schools. It could be people who graduated years before who are still making payments—people in their forties, fifties, and sixties who end up with student loan debt.

One of these people is Eileen Cruz. Eileen took out loans to help her sons pay for college. She said she educated her sons to the highest standards, as most parents dream they will do someday. But now she says she feels she is being punished for having done what parents are supposed to do—send their kids to college.

She goes on to compare student loan debt to mortgages, but unlike a mortgage she cannot refinance it. She is stuck. People like Eileen Cruz are putting off major life decisions—health care, dental decisions, retirement—because of student loan debt they incurred for their kids.

Ana McNamara is another borrower who contacted my office when she started to feel hopeless about her student loans. Ana is nearly 45 years old and owes more than \$200,000 in student loans. How about that? She did what you are suppose to do. She went to college. She worked her way through school. She had to take out some loans to help pay the cost.

After graduating, she said: I need to go to law school. She took out some

more loans. When she graduated, her total loan balance was \$90,000. That is pretty tough. She thought it was manageable though. With interest rates up to 9 percent, though, her balance kept growing faster than she could pay off the loan.

Now she says she does not have anything on the Earth but student loans. She says she will never have anything to call her own because her credit is ruined, ruined because she went to college and law school, borrowing too much money to do it. She cannot even qualify for a car loan she is so deeply in debt. She believes no matter how hard she works she will never be able to pay off her loans.

I guess this is a good point in this presentation to remind everybody, student loans are not dischargeable in bankruptcy—no matter how bad it gets. When you are so deep in debt you cannot imagine getting out of it, you cannot get relief in court. Why?

Well, we decided, years ago—maybe 50 years ago—that government loans would not be dischargeable. There were a few, perhaps anecdotal stories, Apocryphal stories, maybe, about doctors graduating from medical school, then declaring bankruptcy, and walking away from their government loans.

Well, we took care of that. We said: You cannot discharge government student loans in bankruptcy. Then, about 5 years ago, the for-profit schools came in and said: Count us in too. Let's make sure they cannot discharge our loans either—which, of course, means the for-profit schools get the money and the student never ever can escape the debt.

Ana McNamara does not think now that she should have even gone to college. She says it was a big mistake that destroyed her life.

What a somber message to hear from a person who originally thought college was part of the American dream, as most of us were taught.

The cost of college is increasing five times faster than inflation. It is not just the for-profit schools, it is across the board. Many for-profit colleges and universities are charging top dollar, many of them from the people who can least afford it. They will accept anybody, anybody who can sign on the dotted line that they are a college student.

Students often borrow from the private sector rather than from the Federal Government, which means the terms of their loans give them little protection. These factors and others have led to a national student debt crisis. For people who really have no other option, as I said earlier, bankruptcy is no relief.

We need to do something about this. This for-profit college industry is a national disgrace—to think that they siphon off \$30 billion a year in student assistance. If it were a Federal agency, the for-profit schools in America would be the ninth largest Federal agency, they take in that much money from

the Federal Government. They use our money, taxpayers' money, to advertise their worthless schools and worthless diplomas. Everywhere you turn you see their advertising.

Young people are lured into it. They do not know any better. Who can blame them? It is tough to keep up. You have to believe if the Federal Government is going to give me a loan to go to school here, this must be a decent place. Not true. It is our fault. We need accreditation that counts. We need to hold these schools accountable for what they are doing to these students. We need to put a limit on the amount of money they can force these kids into borrowing. We need to put some skin in the game so if these kids cannot get a job after they get out of the college, the schools themselves bear some responsibility for the debt that is left behind.

We seriously, seriously need to look at this bankruptcy exemption. This is awful, to think that somebody in their 30s or 40s is \$200,000 or \$300,000 in debt with a worthless diploma from a for-profit school. Congress needs to take a look at this issue. We cannot ignore it.

We also need to find some relief for Ana and the countless others whose futures are held back by student loan debt and who cannot find a way out. This is not a simple problem; there will not be a simple solution. But for those Americans who have nowhere to turn but bankruptcy, we should at least provide reasonable and realistic relief from private student loans. As I said to these students as they were walking out, and I am sure they were stunned this morning: Be ever so careful. These schools will say, you know, it is going to cost \$40,000 a year in tuition, but because we like you, it is only 20. Think about signing up for \$20,000 in debt, unless it is a school that is really worth the money. That, of course, is an important decision each family and student must make.

I will put in a plug here. For many students who are not quite sure where to turn, start with a community college. These are affordable; they are local; they have a variety of courses. Learn a little bit about college and yourself before you plunge into debt for something that may not pay off.

#### EXTREME WEATHER/CLIMATE CHANGE

Mr. DURBIN. Madam President, I met with Jo Ellen Darcy, the Assistant Secretary for the Army Corps of Engineers. She came to my office last week to discuss the low levels of water on the Mississippi River. This week the National Weather Service reported the river was 4 feet below its average water level at this time of year. I saw it last Friday when I drove over the bridge going from Lambert Airport in St. Louis headed home to Springfield.

If the level keeps decreasing, the river may become too shallow for barge traffic to pass between St. Louis, MO,